

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

JAMES PHILLIP WALDRON,

Plaintiff,

v.

AT&T, Inc.

Defendant.

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CIVIL ACTION NO.

4:22-cv-00317-ALM

JUDGE MAZZANT

UNOPPOSED MOTION

**BUNDREN LAW GROUP, PLLC UNOPPOSED MOTION TO
INTERVENE**

TO THE HONORABLE COURT:

Bundren Law Group, PLLC (“Intervenor”) moves to intervene as a party-plaintiff as authorized by Federal Rule of Civil Procedure 24, and says:

I.

INTRODUCTION

1.1 Plaintiff is James Philip Waldron.

1.2 Defendant is AT&T, Inc.

1.3 Intervenor is Bundren Law Group, PLLC.

1.4 Intervenor's motion is timely and in accordance with the Court's order dated June 7, 2022 (Document 11).

II.

ARGUMENT AND AUTHORITIES

Intervenor has the right to intervene in this suit pursuant to Fed. R. Civ. 24(a)(1) and 24 (a)(2) because Intervenor has a direct, substantial and legally protectable interest in the subject matter of the suit. *Barnes v. Sec. Life of Denver Ins. Co.*, 945 F.3d 1112, 1121-22 (10th Cir. 2019); and, *Brumfield v. Dodd*, 749 F.3d 339, 343-44 (5th Cir. 2014). Intervenor has a legally enforceable contract with Plaintiff to maintain confidentiality with respect to consulting services provided by Plaintiff to Intervenor. The subject matter of the lawsuit is to protect the confidentiality of the consulting services provided by Plaintiff to Intervenor pursuant to a legally enforceable nondisclosure consulting agreement.

There is a risk that Intervenor's ability to protect its interest may be impaired without intervention. *Adam Joseph Res. (M) Sdn. Bhd. v. CNA Metals Ltd.*, 919 F.3d 856, 867-68 (5th Cir. 2019). Without intervention, Intervenor will have no opportunity to protect the substantial and material contract requiring Plaintiff to keep confidential and not disclose consulting work performed for Intervenor which is being impeded and interfered with by the Subpoena at issue in this case.

The present parties to the suit may not adequately represent Intervenor's

interest in enforcing the nondisclosure and confidential consulting agreement. *Trbovich v United Mine Workers*, 404 U.S. 528, 538 & n. 10 (1972) and *Texas v. United States*, 805 F.3d 653, 661-62 (5th Cir. 2015). Defendant has no interest in protecting the contract between Plaintiff and Intervenor. Plaintiff may have no interest, or may settle any interest, in protecting the confidential and proprietary consulting services and information provided by Plaintiff to Intervenor pursuant to the nondisclosure agreement between Plaintiff and Intervenor. To ensure that the interest of Intervenor, and its clients, are adequately protected, Intervenor must be permitted to intervene and to urge for enforcement of the confidential and privileged nondisclosure consulting agreement and to void the unlawful Subpoena.

III.

Intervenor's Complaint in intervention is attached to this motion as Exhibit 1. For these reasons, Intervenor prays that the Court grant Intervenor's motion to intervene as a party-plaintiff.

Respectfully submitted,

By: /s/ Charles Bundren
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CERTIFICATE OF ELECTRONIC FILING

The undersigned hereby certifies that this document has been filed by electronic means through the court's CM/ECF electronic filing system on the date indicated below.

CERTIFICATE OF SERVICE UNDER LOCAL RULE

Pursuant to LOCAL RULE CV-5 (c)&(d) of the Local Civil Rules of the United States District Court for the Eastern District of Texas, Notice of Electronic Filing of this document automatically generated by this Court's CM/ECF system constitutes service of this document under Federal Rule of Civil Procedure 5(b)(2)(E) and is sufficient service by serving the parties indicated below. In accordance with the United States District Court for the Eastern District of Texas Local Rule CV-5(a)(7)(D) a copy of this document was served opposing counsel in electronic form by serving all legal counsel as indicated below.

CERTIFICATE OF SERVICE

This is to certify that on this 13th Day of June, 2022, a true and correct copy of the foregoing document was served in accordance with the Federal Rules of Civil Procedure and the United States District Court for the Eastern District of Texas Local Rules on all legal counsel of record for any party by serving the following:

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___x___ by the Court's CM/ECF Pacer electronic filing System pursuant to FRCP 5(b)(2)(E) and 5(b)(3), and LOCAL RULE CV-5 (c)&(d),

___ by certified mail return receipt requested deposited with the United States Postal Service on the date indicated above pursuant to FRCP 5(b)(2)(C),

___ by email at the email address indicated above pursuant to FRCP 5(b)(2)(E), and in accordance with the United States District Court for the Eastern District of Texas Local Rule CV-5(a)(7)(D) a copy of this document was served opposing counsel in electronic form by serving opposing counsel at the email addresses listed herein.

and/or

_____ by hand delivery service on the date indicated above pursuant to FRCP 5(b)(2)(A) and (B).

By: /s/ Charles Bundren
ATTORNEY FOR PLAINTIFF:
JAMES PHILLIP WALDRON

CERTIFICATE OF CONFERENCE

Plaintiff's counsel has complied with the meet and confer requirements in LOCAL RULE CV-7(h). Plaintiff's counsel has conferred with counsel for Defendant and Plaintiff and this Motion is unopposed.

By: /s/ Charles Bundren, Esq.
BUNDREN LAW GROUP, PLLC
ATTORNEY FOR PLAINTIFF:
JAMES PHILIP WALDRON